



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/682,464

10/09/2003

Valery Kanevsky

10021270-1

9219

22878 7590 01/29/2009

AGILENT TECHNOLOGIES INC.  
INTELLECTUAL PROPERTY ADMINISTRATION,LEGAL DEPT.  
MS BLDG. E P.O. BOX 7599  
LOVELAND, CO 80537

EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

NOTIFICATION DATE

DELIVERY MODE

01/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPOPS.LEGAL@agilent.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10682464	10/9/03	KANEVSKY ET AL.	10021270-1

AGILENT TECHNOLOGIES INC.  
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.  
MS BLDG. E P.O. BOX 7599  
LOVELAND, CO 80537

**EXAMINER**

Stephen J.. Cherry

ART UNIT	PAPER
----------	-------

2863	20090122
------	----------

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 11-4-2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The listing of claims is not compliant with 37 CFR 1.121 (c ) (2) because in claim 1, "of a physical variable, including one of (i) an environmental variable and (ii) a user behavior variable" and "the modeled physical variable" are underlined. 37 CFR 1.121 requires that underlining is used to indicate added subject matter relative to the immediate prior version; however, the cited language was present in the claims dated 6-23-2008. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/S.J.C/

/Bryan Bui/  
Primary Examiner, Art Unit 2863